In the High Court of Judicature at Madras

Date : 05/11/2004

Coram

The Hon'ble Mr. Justice P.D.DINAKARAN
and
The Hon'ble Mr. Justice T.V.MASILAMANI

Writ Appeal No.1883 of 2004
and
W.A.M.P.No.3523 of 2004

The Management of Hotel Southern (P) Ltd.,
A-4, Bharathi Street,
Swarnapuri, Salem-636 004. ... Appellant

-vs-

1. The Presiding Officer,
Labour Court,
Salem.

2. M.Thangavel ... Respondents

Appeal against the order of the learned single Judge dated 2.12.2003 made in Writ Petition No.3228 of 1998.

!For Appellant : Mr.C.Kanagaraj

^For Respondents: Mr.S.Ayyathurai-R2.

:J U D G M E N T

(Judgment of the Court was delivered
by P.D.DINAKARAN, J.)

The appellant is the writ petitioner in W.P.No.3228 of 1998, who had challenged the award dated 29.10.1997 made in I.D.No.69 of 1996 raised by the second respondent herein before the first respondent. The first respondent/labour Court in the said award dated 29.10.1997 made in I.D.69 of 1996 directed the appellant/management to reinstate the second respondent/employee with backwages and the same was also confirmed by the learned single Judge by an order dated 2.12.2003 made in Writ Petition No.3228 of 1998, against which, the management has preferred the above writ appeal.

2. When the writ appeal came up for admission, notice was ordered to the second respondent and on receipt of which, Mr.S.Ayyathurai appeared on behalf of the second respondent. During the course of hearing, both the appellant/management and the second respondent/employee agreed to settle the dispute among themselves, agreeing to the effect that the appellant/management shall pay a sum of Rs.50,000/- to the second respondent in addition to a sum of Rs.49,500/- which stands deposited to the credit of I.D.No.69 of 1996 pursuant to the orders of this Court made in Writ Petition No.3228 of 1998.

3. Accordingly, both the learned counsel for the appellant/ management and the second respondent/employee have made the following endorsement:
"The management is arrived for settlement of the WA by paying Rs.50,000/- (Rupees fifty thousand only) to R2 as full
settlement in addition to the amount of Rs.49,500/- deposited with the Labour Court, Salem."

4. In that view of the matter, we incline to set aside both the award dated 29.10.1997 made in I.D.No.69 of 1996 as well as the order of the learned single Judge dated 02.12.2003 in terms of the above endorsement, permitting the second respondent to withdraw Rs.49,500/- which stands to the credit of I.D.No.69 of 1996 on receipt of copy of this order and directing the appellant/management to pay a sum of Rs.50,000/- to the second respondent within four weeks from the date of receipt of copy of this order, failing which the above writ appeal will stand dismissed.

The writ appeal is disposed of accordingly. No costs. Consequently, WAMP.No.3523 of 2004 is closed.

ATR

To,

The Presiding Officer,
Labour Court,
Salem.